

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LAURA MCCABE, et al.,

Plaintiffs,

v.

SIX CONTINENTS HOTELS, INC.,,

Defendant.

Case No.12-cv-04818-NC

**ORDER FOR ADDITIONAL  
INFORMATION RE:  
PRELIMINARY SETTLEMENT  
APPROVAL**

Re: Dkt. No. 139

Pending before the Court is the plaintiff's motion for preliminary approval of the class action settlement. Dkt. No. 139. After the May 20, 2015 hearing and reviewing the plaintiffs' written submissions, the Court notes the following concerns and orders the plaintiffs to submit supplemental information by June 3, 2015:

1. The plaintiffs must provide the Court with more information on the cy pres beneficiaries, Consumer Action and Electronic Frontier Foundation. Specifically, the plaintiffs must further address the "driving nexus between the plaintiff class and the cy pres beneficiaries." *Dennis v. Kellogg Co.*, 697 F.3d 858, 865 (9th Cir. 2012).
2. The parties must clarify the defendant entities included in the release, and incorporate those clarifications into the class notice where appropriate. For example, identify the affiliates, vendors, and independent contractors.

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3. The plaintiffs must provide the Court with examples of all the publications that will be made publicly available as part of the notice to the class, including:
  - a. Facebook and banner ads
  - b. Real size advertisements for the newspaper and Parade magazine notices
  - c. Envelope for mail notices
4. The Court requests a further breakdown of the reach by publication method (such as, online notices, direct mailings, and newspaper publications).
5. The Court also suggests the following modifications to the notices to ensure clarity:
  - a. Place the Court's name "United States District Court for the Northern District of California" at the top of the notice.
  - b. On the summary notice, email notice, and newspaper publication notice, include the value of the settlement and an estimated per person settlement value.
  - c. On the mailing envelope, refer to the court's name in the administrator's address, for example, "Claims Administrator for the U.S. District Court." Also, place a "call out" on the front and back with reference to a settlement agreement or particular facts of the settlement class.

The Court will be prepared to rule on the preliminary approval motion after receiving this supplemental information.

**IT IS SO ORDERED.**

Dated: May 20, 2015

  
NATHANAEL M. COUSINS  
United States Magistrate Judge